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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,148	06/20/2003	Jeremy Donaldson	100110191-6	7231

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EXAMINER

ALANKO, ANITA KAREN

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,148

Applicant(s)

DONALDSON ET AL.

Examiner

Anita K Alanko

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/04; 6/20/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hawkins et al (US 5,006,202).

Hawkins discloses a method and a print cartridge incorporating a print head die formed by the method comprising:

forming a first pattern masking layer 34 sufficient to expose a desired area of a first surface 12A of a substrate 10 (SiO₂, Fig.3, col.5, lines 25-29);

after forming the first patterned masking layer, forming a second patterned masking layer 14 (Fig.6, col.6, lines 43-46) sufficient to expose less than the entirety of the desired area of the first surface (col.6, lines 37-42, 29C smaller than 29A);

forming a slot portion in the substrate through the second patterned masking layer (Fig. 7); and

removing additional substrate material to form a fluid-handling slot (Fig.9).

As to claim 2, Hawkins discloses a hard mask (thermal oxide, SiO₂).

As to claim 3, Hawkins discloses forming a photoresist layer 30 (Fig.5, col.6, lines 26-29).

As to claim 4, Hawkins discloses etching the slot portion (col.6, lines 48-51).

As to claim 5, Hawkins discloses a through region positioned between two shallow regions (shelf 39, Fig.10).

As to claim 6, Hawkins discloses wet etching (col.6, lines 59-64).

As to claim 7, Hawkins discloses removing a portion of the second patterned masking layer (col.6, lines 56-57).

As to claim 9, Hawkins discloses a fluid-feed slot forming method comprising:

patterning a hard mask 34 on a substrate surface sufficient to expose a first area 12A of the first surface;

forming a slot portion (Fig.7) in the substrate through less than an entirety of the first area of the first surface, the slot portion having a cross-sectional area at the first surface that is less than a cross-sectional area of the first area (since 29C is less than 29A); and,

after forming the slot portion, etching the substrate to remove material from within the first area to form a fluid-handling slot (Fig.9).

As to claim 10, Hawkins discloses to form a subset since the etched area is smaller than the original exposed area.

As to claim 11, Hawkins discloses covering the entire first substrate surface with the hard mask (Fig.1) and subsequently removing hard mask material from the first area of the surface (Fig.3).

Claims 13, 15-20 and 30-32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hawkins et al (US 6,303,042).

Hawkins discloses a print head substrate forming method and a print cartridge incorporating a print head die formed by the method comprising:

- exposing a first portion 520a of a substrate surface through a hard mask 520 (Fig.5a);
- forming a photoresist 522 over the hard mask and the first portion;
- removing at least some of the photoresist to expose a second portion of the substrate surface through which a slot portion is to be formed (Fig.5a);
- dry etching the substrate through the photoresist sufficient to form the slot portion (Fig.5b, col.10, line 54); and,
- after said dry etching, wet etching the substrate to form a fluid-handling slot (Fig.5c, col.10, line 60) without a re-entrant profile.

Claims 21-22 and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Milligan et al (US 6,273,557).

Milligan discloses a printhead forming method and a print cartridge incorporating a print head die formed by the method comprising:

- forming a fluid-handling slot in a substrate wherein a first portion of the sidewall is parallel (bottom surface of 502) to a first surface of the substrate, and a second portion of the sidewall is perpendicular to the first surface (sidewalls of 602, Fig.6C).

- As to claim 22, Milligan discloses to form a slot portion 02 into a first surface 404 of a substrate (Fig.5B, col.5, lines 26-31); and,

- etching the substrate to remove substrate material 602 proximate the slot portion to form a fluid-handling slot (Fig.6C, col.5, lines 37-47).

Claims 21-26 and 29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Miller et al (US 2003/0141279 A1).

Miller discloses a printhead forming method and a print cartridge incorporating a print head die formed by the method comprising:

forming a fluid-handling slot in a substrate wherein a first portion of the sidewall is parallel (bottom surface of slot) to a first surface of the substrate, and a second portion of the sidewall is perpendicular to the first surface (sidewalls of slot, Fig.9d or 9f).

As to claims 23-26, Miller discloses sand drilling as mechanical cutting and multiple dry etching steps (paragraphs [0059], [0057]), and patterning a hard mask [0056].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-20 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al (US 6,303,042).

The discussion of Hawkins from above is repeated here. As to claim 14, Hawkins does not explicitly disclose to apply the hard mask over the entire substrate surface and removing hard mask from over the first portion. Hawkins merely discloses that a patterned layer is formed. Examiner takes official notice that deposition and removing is a conventional way to form masks. It would have been obvious to one with ordinary skill in the art to apply and remove the

hard mask as cited in claim 14 because it is a conventional and useful technique for forming masks.

Claims 21-22 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milligan et al (US 6,273,557).

The discussion of Milligan from above is repeated here. As to claim 27, Milligan does not disclose to use lift-off. Examiner takes official notice that lift-off is a conventional technique for forming patterned layers. It would have been obvious to one with ordinary skill in the art to use lift-off to pattern hard mask in the method of Milligan because it is a conventional and useful technique for forming masks.

As to claim 28, Milligan does not disclose to use wet etching, rather Milligan discloses to use dry etching. It is conventional to etch by either wet or dry etching. It would have been obvious to one with ordinary skill in the art to use wet etching in the method of Milligan because it is a conventional technique for forming slots and because it is cheaper than dry etching.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon-Fri until 2:30 pm (Wed until 11:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita K. Alanko

Anita K Alanko
Primary Examiner
Art Unit 1765